

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for Defendant United States of America  
By: Anna E. Arreola  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel. (212) 637-2218

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
ROBERT ASSIL,	:	
	:	<u>NOTICE OF MOTION</u>
Plaintiff,	:	
	:	
-v.-	:	07 Civ. 11037 (DAB)
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	
-----X		

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the accompanying Declaration of Anna E. Arreola and the exhibits annexed thereto, and the accompanying Affirmation of Special Agent Linda E. Canfield and the exhibits annexed thereto, defendant United States of America, by its attorney Michael J. Garcia, United States Attorney for the Southern District of New York, shall move this Court, before the Honorable Deborah A. Batts, United States District Judge, in the United States Courthouse, Courtroom 24B, 500 Pearl Street, New York, New York 10007, on a date to be set by the Court, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss plaintiff's motion for return of property and for dismissal of this civil action.

Dated: New York, New York  
February 4, 2008

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the Defendant  
United States of America

By: /s/  
ANNA E. ARREOLA  
Assistant United States Attorney  
One St. Andrews Plaza  
New York, New York 10007  
(212) 637-2218

cc: Jeffrey Lichtman  
Law Offices of Jeffrey Lichtman  
1790 Broadway, Suite 1501  
New York, New York 10019  
(212) 581-1001

Marc Fernich  
Law Office of Marc Fernich  
570 Lexington Avenue, 16<sup>th</sup> Floor  
New York, New York 10022  
(212) 446-2346